

# Notice of Allowability

Application No.

09/820,081

Examiner

Dmitry Suhol

Applicant(s)

FURRY, MICHAEL E.

Art Unit

3712

## -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Applicants amendment filed 7/2/2004.
2. ☒ The allowed claim(s) is/are 1-6,60,61 and 71-79.
3. ☐ The drawings filed on \_\_\_\_\_ are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
  1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☒ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☒ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☒ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

### Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

DERRIS H. BANKS  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3700

### **EXAMINER'S AMENDMENT**

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mark Allenman on October 20<sup>th</sup>, 2004.

The claims have been amended as follows:

Claims 8-9 and 58 have been canceled.

### **REASONS FOR ALLOWANCE**

The following is an examiner's statement of reasons for allowance: The specific limitation of a combination of (with respect to claim 1) "...a body; a plurality of phoneme selectors coupled to the body, each phoneme selector including a letter or letter combination, a character, and a pronunciation symbol separate from the letter or letter combination, the pronunciation symbol indicating a pronunciation for the letter or letter combination, all associated with a phoneme, the character having a name including the phoneme; and a target window positioned in the body, the target window being configured to display a target; wherein the plurality of selectors are configured to be adjustable by a user to spell a name of the target; wherein the letter or letter combination and pronunciation symbol are distinguished in that each letter or letter combination may have a plurality of possible pronunciations when used in different words, but each pronunciation symbol has only one possible pronunciation" and (with respect to claim

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60) "...a set of two or more sequenced selector substrates, each selector substrate including three or more character regions, each character region including indicia showing a unique character icon and a letter or letter combination from a name associated with the character icon, the character icon and letter or letter combination forming a graphical unit that represents a single pronunciation of the letter or letter combination as used in the character name, and that does not represent any other possible pronunciation of the letter or letter combination; wherein the first selector substrate of the set of two or more sequenced selector substrates contains all letters or letter combinations necessary to spell each of the character names of the character icons on the first selector substrate, and wherein the graphical units formed by the character icons and letters or letter combinations on the first selector substrate indicate all pronunciations necessary to correctly pronounce each of the character names of the character icons on the first selector substrate..." are not anticipated or made obvious over the prior art of record in the examiners opinion. For example, Gothberg discloses a teaching device which may be directed to teaching and learning of language. The device teaches a body (elements 2, 1, 49), a plurality of selectors coupled to the body (dials 8, 10, 12, 14, 16, 18, 20, 22, 24, 26, 28) including a letter or letter combination (words 72), a character (picture 73) and a target window (window 74). Hill '680 discloses a language learning system which utilizes color with letters and combination of letters to teach proper pronunciation of words. However, prior art of record fails to disclose or teach the combination of the above features as recited in the independent claims.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably

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accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dmitry Suhol whose telephone number is 703-305-0085. The examiner can normally be reached on Mon - Friday 9am-5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Derris Banks can be reached on 703-308-1745. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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